

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEFFREY S. VAUGHN, individually and on behalf  
of those Class Members similarly situated,

Plaintiff,

v.

LEEDS, MORELLI & BROWN, P.C., LEEDS,  
MORELLI & BROWN, L.L.P., LEEDS &  
MORELLI, LEEDS, MORELLI & BROWN,  
PRUDENTIAL SECURITIES, INC.,  
PRUDENTIAL FINANCIAL, INC., LENARD  
LEEDS, STEVEN A. MORELLI, JEFFREY K.  
BROWN, JAMES VAGNINI, FREDERIC DAVID  
OSTROVE, ROBERT JOHN VALLI, JR.,  
DISCRIMINATION ON WALL STREET, INC.,  
DISCRIMINATION ON WALL STREET,  
MANHATTAN, INC., JOHN DOES, 1-10 AND  
JANE DOES, 1-10 a fictitious designation for  
presently unknown licensed attorneys, professionals  
and/or unknown persons or entities,

Defendants

**04 Civ. 8391 (DC)**

**NOTICE OF MOTION**

**ORAL ARGUMENT  
REQUESTED**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 12(b)(6) and 9 U.S.C. § 3, and upon the Amended Complaint in this matter, the Affirmation of Gerard E. Harper, Esq. sworn to April 22, 2005, together with the exhibit thereto, the accompanying memorandum of law, and all other papers and proceedings herein, Defendants Prudential Securities Inc. and Prudential Financial, Inc. (collectively "Defendants") shall move this Court, before the Honorable Denise Cote, on a date convenient to this Court, in Courtroom 11B of the United States Court House, 500

Pearl Street, New York, New York 10007, for an order compelling arbitration and dismissing the Amended Complaint with prejudice. The basis for the motion is set forth in the accompanying memorandum of law.

Defendants request oral argument on this motion.

Dated: April 22, 2005  
New York, New York

Respectfully Submitted,

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP

By: Beth Frank

Gerard E. Harper (GH0279)  
Theodore V. Wells (TW2830)  
Beth S. Frank (BF0293)

1285 Avenue of the Americas  
New York, New York 10019-6064  
(212) 373-3000

*Attorneys for Prudential Securities  
Incorporated and Prudential Financial, Inc.*